

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JEFFREY SCOTT ZIEGLER,

Plaintiff,

v.

KELLY DOWNING, correctional officer;
N'TACIA MONTOUGE, correctional
officer; JODIE M. WRIGHT; SCOTT
LIGHT, P.A.C.; THOMAS L'HEUREUX;
SARA SMITH-KARINKO, M.C.;
SHERIDEN ROBERTS, R.N. 2;
MARGARET GILBERT; TAMMY
SCHOOLEY-ESKOTEE; SHANE L.
EVANS, H.S.M. 2/C.P.M.; RYAN
HERRINGTON, M.D./F.M.D.; KEITH
PARRIS, H.S.M. 1/H.S.M. 2; DAN L.
VAN OGLE; ROBERT SCHREIBER,
A.D.A./C.P.M.; JAMIE NEWTON, R.N.
3; ERIN LYSTAD, P.A.C.; LEELAND
ROGGE, M.D./I.M.E.; SASHA BANGS,
P.A.C.; and DENNIS DAHNE,

Defendants.

No. 3:20-CV-05288-SAB

**ORDER DENYING
PLAINTIFF'S MOTION TO
SHOW CAUSE; GRANTING
PLAINTIFF *IN FORMA
PAUPERIS***

**ORDER DENYING PLAINTIFF'S MOTION TO SHOW CAUSE
GRANTING PLAINTIFF *IN FORMA PAUPERIS* # 1**

1 Before the Court is Plaintiff's Motion to Show Cause, ECF No. 95. Plaintiff
2 is *pro se*. Defendants Kelly Downing, N'Tacia Montouge, Jodie M. Wright, Scott
3 Light, Thomas L'Heureux, Sara Smith-Karinko, Sheridan Roberts, Margaret
4 Gilbert, Tammy Schooley-Eskottee, Shane L. Evans, Ryan Herrington, Keith
5 Parris, Dan. L. Van Ogle, Robert Schreiber, Jamie Newton, and Erin Lystad are
6 represented by Sarah Brisbin. Defendants Leeland Rogge, Sasha Bangs and Dennis
7 Dahne have not made appearances. The motion was considered without oral
8 argument.

9 First, Plaintiff's request to proceed *in forma pauperis* is not clear on the
10 Court docket for the above-captioned case. The Court now grants *in forma*
11 *pauperis* to Plaintiff Ziegler, for clarity on the record.

12 Second, Plaintiff filed the Motion to Show Cause seeking an explanation
13 from defense counsel Ms. Brisbin as to why Defendants Bangs and Dahne and
14 Nathan Montambo have not responded to filings. Ms. Brisbin does not represent
15 Defendants Bangs or Dahne. As such, she is not responsible for their service or
16 defense beyond the last known addresses she provided the Court.

17 Nathan Montambo is currently not a party to this case, and no summons has
18 been issued. If Plaintiff wishes to prosecute a case against Mr. Montambo, he must
19 amend his complaint.

20 Pursuant to Fed. R. Civ. P. 4(c)(3) and 28 U.S.C. § 1915, the Court is
21 required to direct service on defendants for plaintiffs proceeding *in forma*
22 *pauperis*. The Court directed service on Defendants. ECF Nos. 47 and 81.

23 Using the last known address provided by the Department of Corrections,
24 the Court issued service by first-class mail to Defendant Bangs. The Court received
25 no reply, the summons was returned as "undeliverable", and there is no
26 confirmation she was served.

27 Defendant Dahne, at last inquiry, was employed by the Department of
28 Corrections but was on medical leave at the time the summons was sent. It is

**ORDER DENYING PLAINTIFF'S MOTION TO SHOW CAUSE
GRANTING PLAINTIFF *IN FORMA PAUPERIS* # 2**

1 unclear if he has returned, and Ms. Brisbin on behalf of the Department of
2 Corrections could not waive service of process because they did not receive a reply
3 from Mr. Dahne after sending him the necessary documents via mail.

4 The Court made the necessary attempts to contact Defendants Bangs and
5 Dahne, as requested and required. *See Puett v. Blandford*, 912 F.2d 270, 275 (9th
6 Cir. 1990). But, through no fault of Ms. Brisbin, the information provided by the
7 Department of Corrections to contact each proved ineffective, and Plaintiff did not
8 provide the Court information for how to contact either Defendant. *See Walker v.*
9 *Sumner*, 14 F.3d 1415, 1421–22 (9th Cir. 1994) (finding a plaintiff proceeding *in*
10 *forma pauperis* must provide accurate and sufficient information for the Court to
11 effectuate service and avoid dismissal of unserved defendants), *overruled on other*
12 *grounds by Sandin v. Connor*, 515 U.S. 472 (1995).

13 If Plaintiff chooses to amend his complaint, the Court will allow a second
14 service of process for unserved Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO SHOW CAUSE
GRANTING PLAINTIFF *IN FORMA PAUPERIS* # 3**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's request to proceed *in forma pauperis*, ECF No. 1, is

3 **GRANTED.**

4 2. Plaintiff's Motion to Show Cause, ECF No. 95, is **DENIED**.

5 3. Plaintiff's Supplemental Motion to Show Cause, ECF No. 96, is

6 **STRICKEN as moot.**

7 4. If Plaintiff amends his complaint, the Court shall order service on
8 unserved Defendants.

9 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
10 this Order and provide copies to *pro se* Plaintiff and counsel.

11 **DATED** this 29th day of January 2024.

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15 Stanley A. Bastian
16 United States District Judge

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29 **ORDER DENYING PLAINTIFF'S MOTION TO SHOW CAUSE**
GRANTING PLAINTIFF *IN FORMA PAUPERIS* # 4